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AMAZON.COM, INC.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JUSTIN ORNELAS, JASMINE ORNELAS
and J.O., A MINOR BY AND THROUGH
HIS GUARDIAN AD LITEM JUSTIN
ORNELAS

Plaintiffs,

v.

AMAZON.COM, INC.,
VOKHIDZMON ABDUKARIMOV
and DOES I through X, Inclusive,

Defendants.

CASE NO.: 2:22-CV-00304-JCM-DJA

**JOINT STATUS REPORT AND STIPULATION
AND ORDER TO EXTEND STAY OF
DISCOVERY FOR ADDITIONAL 60 DAYS**

AMAZON.COM, INC., a foreign
corporation,

Third-Party Plaintiff,

v.

INKAS, LLC, a foreign corporation, DOES
I through X, ROE BUSINESS ENTITIES 1
thorough 10, inclusive,

Third-Party Defendants.

IT IS HEREBY STIPULATED AND AGREED BETWEEN Plaintiffs JUSTIN ORNELAS,
JASMINE ORNELAS and J.O., A MINOR BY AND THROUGH HIS GUARDIAN AD LITEM

1 JUSTIN ORNELAS, Defendants AMAZON.COM, INC., and VOKHIDZMON
2 ABDUKARIMOV, by and through their respective undersigned counsel of record that the stay of
3 discovery in this action be extended for an additional sixty (60) days, through and including June
4 30, 2023, for good cause as set forth below.

5 **I. RELEVANT FACTUAL BACKGROUND**

6 This matter arises out of a vehicular accident on April 30, 2021, in Clark County, Nevada
7 between a passenger vehicle occupied by Plaintiffs, Justin Ornelas, Jasmin Ornelas, and J.O. (a
8 minor) and a tractor-trailer (“semi”) driven by Vokhidzmon Abdukarimov (“Abdukharimov”).
9 Plaintiffs allege Abdukarimov was driving a semi pulling an Amazon branded trailer on Interstate
10 15 northbound in Las Vegas at approximately 9:30 p.m. Plaintiffs claim Abdukarimov rear-ended
11 their vehicle causing injuries to each of them as a result of his negligence. The Nevada Highway
12 Patrol reports this incident as four-vehicle collision in which the vehicles in front of Abdukarimov
13 had slowed for traffic. The impact from the semi forced Plaintiffs’ vehicle to also collide with a
14 vehicle in front of it, which then forced that vehicle to collide the vehicle in front of it.
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17 The traffic accident report identified a total of nine occupants in the three passenger vehicles
18 involved in the collision. Currently, this lawsuit only involves the three occupants of the passenger
19 vehicle struck by the semi. Defense counsel are aware of six (6) other claimants in the other two
20 passenger vehicles. Since the prior Stipulation for Stay (ECF No. 30) was filed in this action,
21 Defendant Amazon was served with a Complaint in state court by the four occupants of one of the
22 two remaining vehicles for their respective bodily injury claims (the “Largaespada Action”).
23 Amazon has since removed the Largaespada Action to this Court and noticed the Court of the related
24 case pursuant to LR 42-1:
25

26 *Roger Largaespada, Jose Orlando Largaespada, Irene Largaespada, Gloria Ruth*
27 *Largaespada, vs. Vokhidzmon Abdukarimov, OXOS, LLC; Amazon.com, Inc., Inkas,*

1 *LLC, BXT, Inc., et al.. U.S.D.C. Case No.: 2:23-cv-00609*

2 *See, Defendant Amazon.com, Inc.’s Notice of Related Case Pursuant to LR 42-1 (ECF No. 34),*
3 *filed April 20, 2023.*

4 If the Court does not consolidate the *Largaespada* action with this action *sua sponte* pursuant
5 to LR 42-1(b), Amazon will seek a stipulation or file an appropriate motion for consolidation.

6 The statute of limitations expires for the two remaining non-party claimants from the third
7 passenger vehicle (the Rivera claimants) on April 30, 2023. If the Rivera claimants file a timely
8 action, Defendants intend to remove and consolidate that action with this action as well since those
9 claims would also arise out of the same subject traffic accident and likely involve the same
10 defendants. Based upon the information currently available to Defendants, Defendants believe that
11 diversity jurisdiction in this court will be preserved with the consolidation of the Largaespada and
12 the Rivera action, if timely filed.

13 Additionally, Third-Party Defendant INKAS, LLC, was served with the Summons and Third-
14 Party Complaint in this action on February 21, 2023, (ECF No. 29) but has not yet appeared in the
15 action. The insurance carrier for INKAS, LLC, has requested an extension from Amazon through
16 April 30, 2023, for them to make a final coverage determination before Amazon takes any adverse
17 action with respect to the Third-Party Complaint filed in this action.

18 Lastly, on March 3, 2023, Plaintiffs’ filed a Motion for Leave of Court to Amend the Complaint.
19 (ECF No. 31) Plaintiffs’ Amended Complaint would add INKAS, LLC, BXT, INC., and OXOS,
20 LLC, as defendants, while still preserving diversity jurisdiction. On April 4, 2023, the Court entered
21 an Order (ECF No. 33) granting Plaintiffs’ Motion for Leave to Amend Complaint. The Amended
22 Complaint has yet to be filed or served.

23 **II. GOOD CAUSE FOR EXTENDING THE STAY OF DISCOVERY**

24 The parties submitted their prior Stipulation and Order to Stay Discovery (ECF No. 30), on

March 1, 2023, seeking a six month stay based upon the facts above. In its Order (ECF No. 32) entered March 6, 2023, the Court granted in part the request for stay, but only through April 30, 2023. The Order further instructed the parties to file the instant stipulation by April 30, 2023, if there was good cause to extend the stay, or alternatively present the Court with a proposed amended discovery schedule.

For the reasons set forth herein, the parties believe there is good cause to extend the stay for sixty (60) days, through and including June 30, 2023. If the Rivera claimants file a timely Complaint in state court, the sixty day extension should permit sufficient time for service of process and time for Defendants to remove the action to this Court and to consolidate the action with the instant case.

Additionally, the sixty day extension will provide Plaintiffs in this action to file and serve their Amended Complaint on the newly added defendants.

Based on the foregoing, a sixty (60) day extension will promote judicial efficiency and permit reasonable time to complete the tasks outline above. Accordingly, the parties hereby stipulate to extend the current stay of discovery by sixty (60) days, through and including June 30, 2023.

IT IS SO STIPULATED.

DATED this 27th day of April, 2023.

DATED this 27th day of April, 2023.

STOLL, NUSSBAUM & POLAKOV

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1 DATED this 27th day of April, 2023.

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3 **BREMER WHYTE BROWN & O'MEARA LLP**

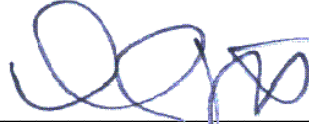
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10 **ORDER**

11 Pursuant to the Stipulation above, IT IS HEREBY ORDERED THAT the current stay of
12 discovery in this matter be extended by sixty (60) days, through and including June 30, 2023, by
13 which time the parties must present the Court with a Joint Status Report and a proposed Amended
14 Discovery Schedule.

15 DATED this 28th day of April __, 2023.

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18 DANIEL J. ALBREGTS
19 UNITED STATES MAGISTRATE JUDGE
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